REMARKS

Claims 1-24 are pending. Claims 1, 9 and 17 are independent. Applicant has canceled claims 4, 5, 12, 13, 20, 21.

In an office action dated October 6, 2005, the examiner used Ellis to reject claims 1-4, 6, 9-12, 14, 17-20 and 22 as having been anticipated.

Claims 1, 9 and 17, as amended, recite "receiving electronic programming guide (EPG) selections entered over the Internet via a web-enabled cellular phone," or similar language. At least this quoted claim feature is neither disclosed or described by Ellis.

Ellis discloses a remote program guide access device:

> **[0092] An illustrative arrangement for remote program guide access device 24 is shown in FIG. 5. As shown in FIG. 5, remote program guide access device 24 may be any suitable personal computer (PC), portable computer (e.g., a notebook computer), palmtop computer, handheld personal computer (H/PC), display remote, touch-screen remote, automobile PC, personal digital assistant (PDA), or other suitable computer based device. Remote program guide access device 24 may have user interface 52, processing circuitry 54, storage 56, and communications device 58. User interface 52 may be any suitable input or output device or system, and may include a pointing device, keyboard, touch-pad, touch screen, pen stylus, voice recognition system, mouse, trackball, cathode ray tube (CRT) monitor, liquid crystal display (LCD), voice synthesis processor and speaker, or any other suitable user input or output device. Processing circuitry 54 may include any suitable processor, such an Intel 486 or Pentium microprocessor. Remote program guide access device 24 may also have storage 56. Storage 56 may be any suitable memory or other storage device, such as RAM, ROM, flash memory, a hard disk drive, etc. (Ellis, paragraph 0092)**

Accordingly, claims 1, 9 and 17 are not anticipated by Ellis.

In the office action dated October 6, 2005, the examiner used Ellis and Elliot to reject claims 5, 13 and 21 as having been obvious.

Applicant has canceled claims 5, 13 and 21.

In the office action dated October 6, 2005, the examiner used Ellis to reject claims 7, 15 and 21 as having been obvious.

Applicant canceled claim 21. Claims 7 and 15, as amended, recite "transmitting over the Internet to multiple web-enabled cellular phones," or similar language. Ellis fails to teach or suggest at least this quoted claim feature.

One skilled in this art would not be lead to Ellis because Ellis teaches that Internet solutions have failed:

[0006] On-line program guides allow users to view program listings using a web-browser. However, the on-line program guides that are available on the Internet do not provide the versatility of in-home program guides. For example, on-line program guides do not allow the user to set in-home reminders for programming, to adjust parental control settings, or to select programs for recording on the user's videocassette recorder. (Ellis, paragraph 0006)

Accordingly, claims 7 and 15 cannot be obvious in view of Ellis.

In the office action dated October 6, 2005, the examiner used Ellis and Terakado to reject claims 8, 16 and 24 as having been obvious.

Claims 1, 9 and 17 are not obvious in view of Ellis and Terakado. Claims 1, 9 and 17, as amended, recite "receiving electronic programming guide (EPG) selections entered over the Internet via a web-enabled cellular phone," or similar language. As described above, Ellis fails to teach or suggest at least this quoted claim feature. Terakado fails to help.

To the contrary, Terakado teaches:

In FIG. 1, a remote controller 1 converts a control signal that is input from a manipulating section (described later) into an infrared signal and transmits it to an electric apparatus (personal computer 3, television receiver 9, or VTR 13) as a subject of control. (Terakado, col. 5, lines 15-19)

Further, the television receiver 9 transmits/receives, with an infrared transmission/reception section 10 (first receiving means, transmitting means, first transmitting means), a control signal and additional information to/from the remote controller 1 via infrared light. (Terakado, col. 5, lines 40-44)

This very different from receiving electronic programming guide (EPG) selections entered over the Internet via a web-enabled cellular phone. No combination of Ellis and Terakado can produce applicant's quoted claim feature. Accordingly, claims 1, 9 and 17 are not obvious in view of Ellis and Terakado, whether taken separately or in combination.

Claims 8, 16 and 24 depend upon, and add further limitations to, claims 1, 9 and 17. Accordingly, claims 8, 16 and 24 are not obvious in view of Ellis and Terakado, whether taken separately or in combination.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above
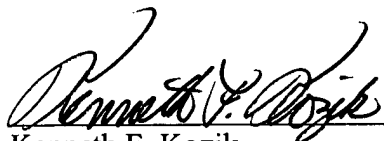
may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully submitted,

Date: March 7, 2006

Kenneth F. Kozik
Reg. No. 36,572

Holland & Knight LLP
10 St. James Avenue
Boston, MA 02116
Telephone: (617) 573-5879
Facsimile: (617) 523-6850

3628258_v1